

Ordinance No.: 2010-21

Passed: June, 28 2010

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**AN ORDINANCE ESTABLISHING A PERMIT TO SOLICIT BUSINESS INSIDE THE VILLAGE OF WEST LAFAYETTE**

**WHEREAS**, the Council of the Village of West Lafayette believes that it would be in the best interest of the citizens of the Village to require any persons wishing to solicit business in the Village to obtain a permit; and to create in the Code of Ordinances a new Section under offenses against Property Section 642 as Section 642.13 (A) through (H).

**THEREFORE**, be it ordained by the Council of the Village of West Lafayette, State of Ohio as follows:

**SECTION 642.13 (A) DEFINITIONS**

- (1) "PEDDLER" means any person traveling either by foot, automobile, truck, or any other type of conveyance from place to place, door to door or from street to street, taking or attempting to take orders for profit by the sale of goods, wares, and merchandise or personal property of any nature whatsoever for immediate or future delivery or for services to be furnished or performed in the future;
- (2) "SOLICITOR" means any person who obtains or seeks to obtain funds for any cause whatsoever by traveling door to door either by foot, automobile, truck or any type of conveyance upon the private residences including any house, apartment or other dwelling within the Village; and
- (3) "CANVASSER" means any person who obtains or seeks to obtain or influences the opinions of the residents of the Village by traveling door to door either by foot, automobile, truck or other type of conveyance upon the private residences including any house, apartment or other dwelling in the Village but does not obtain or seek to obtain funds for any cause whatsoever.

**SECTION 642.13 (B) LICENSE OR REGISTRATION REQUIRED**

- (1) No peddler or solicitor shall peddle or solicit within the Village, unless he or she is the holder of a valid license issued pursuant to this Ordinance.  
Exceptions:  
(A) Persons delivering newspapers.
- (2) No canvasser shall obtain or seek to obtain or influence the opinions of the residents of the residents of the Village until he or she is registered pursuant to this Ordinance.  
Exceptions:  
(A) Persons campaigning for any political office of the state or its subdivisions.

- (3) The Mayor waive the permit and fee specified for locally sponsored festivals and fund raising events, religious and political events.

**SECTION 642.13 (C).APPLICATION; FEE; LICENSE; REGISTRATION**

(1) Any person wanting a license shall obtain an application for the license from the Village Office, and shall submit the completed application, along with the appropriate fee, to such office, on a form supplied by the Village which shall contain the following information:

- (A) Name and address of the applicant;
- (B) Name telephone numbers and address of the organization represented;
- (C) Names, addresses and drivers licenses or a State Identification card of all individual peddlers or solicitors;
- (D) State issued Photo ID for all applicants;
- (E) A description of the proposed peddling or soliciting activities; and
- (F) Dates, times and particular locations where the peddling or solicitation is to be performed.

Such application shall also be accompanied by a copy of the Internal Revenue Service Federal Income Tax Exemption Letter and State of Ohio Letter of Registration under Ohio Revised Code Chapter 1716 in effect at the time of application hereunder, if the applicant and/or organization represented has been issued either or both of said Letters.

(2) All license applications shall be referred to the Fiscal Officer or Village Administrator who shall, within five (5) business days after receipt of the completed application, issue licenses to the solicitors or peddlers unless he or she finds that:

- (A) The applicant has provided false, misleading or deceptive information in his application; and/or
- (B) The applicant or any solicitor or peddler named on the license application has been convicted of a felony violation or misdemeanor violation involving fraud or moral turpitude within the past ten years.

(3) Each peddler or solicitor shall pay a fee of Fifty (\$50.00) Dollars, which fee shall be paid at the time the application is submitted.

Exceptions to the fee:

- (A) Applicants who are agents for charitable, religious or educational organizations that meet the definition thereof as contained in the Ohio Revised Code 2915.01 (H), (I), (J), or have duly registered with the State of Ohio under the provisions of Ohio Revised Code Chapter 1716, shall be required to obtain a license, but shall be exempt from the payment of any fee as required hereunder.
- (B) An employee of any person maintaining a regularly established bona-fide place of business within the Village.
- (C) Any person taking orders for products of his own raising and manufacture.

(4) Once issued, a license may be used only in conformity with the laws of the Village and the State of Ohio; may not be assigned or transferred; must be carried by the licensee at all times; and may be revoked or suspended by the Village Administrator, the Police Chief, or their designees for any of the following causes:

- (A) The licensee or person preparing the application on behalf of the licensee provided false, misleading or deceptive information in the license application.
- (B) The licensee is convicted of a felony or of a misdemeanor involving fraud or moral turpitude.
- (C) The licensee violates any provision of this Ordinance or peddles or solicits in an unlawful manner.

(5) The applicant or licensee shall have ten (10) days after the receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a notice of the appeal with the Village Council; thereupon the applicant shall have not less than ten (10) days' notice of the date and place of the hearing. The Council shall have the power, after such hearing, to either affirm or overrule the decision of the Village Administrator.

(6) Any canvasser shall register with the Village before obtaining or seeking to obtain or influencing the opinions of the residents of the Village. Any canvasser shall provide the Village Administrator in writing with his or her name and address, the name and address of organization represented and the dates, times and particular locations where canvassing is to be performed. No fee shall be charged for the registration of any canvasser.

(7) Any license or registration issued under this Chapter shall be valid for not more than thirty (30) days from the date of issuance.

#### **SECTION 642.13.(D) STREET PEDDLING; ADULT ATTENDANT REQUIRED**

(1) No person shall vend or peddle from a vehicle in public streets and public places in the Village without a license issued under this Ordinance, and in pursuit of such business or activity when children under age eighteen (18) collect, congregate, assemble or gather about such vehicle for the purpose of making purchases therefrom or in response to such person's actions, such person so vending or peddling shall be required to be accompanied by an adult attendant whose sole duty and occupation shall be to protect and safeguard such children from injury or hazards of vehicular traffic using such streets and public places. The attendant shall maintain a constant lookout for approaching vehicles and shall warn and guard children from injury therefrom.

#### **SECTION 642.13 (E) RESTRICTIONS; HOURS; CONDUCT**

(1) Every person to whom a license to peddle or solicit is issued and every canvasser registered under the terms of this Ordinance shall be governed by the following rules and regulations:

(2) No person subject to the provisions of this Ordinance shall peddle, solicit or canvass except between the hours of 9:00 a.m. and 6:00 p.m. Monday through Saturday; nor shall such person peddle, solicit or canvass on Sunday or any legal State or Federal Holiday.

(3) No peddler, solicitor or canvasser shall enter or attempt to enter a residence, house, apartment or other dwelling in the Village without an express invitation from an adult occupant of the residence, house, apartment or other dwelling.

(4) No peddler or solicitor shall engage in any peddling or solicitation other than that specified in the license application.

(5) No peddler, solicitor or canvasser shall by any device make unlawful noises, nor shall any peddler, solicitor or canvasser remain at the residence, house, apartment or other dwelling in the Village without the consent of an adult occupant of the residence, house, apartment or other dwelling in the Village.

(6) Any peddler, solicitor or canvasser under the age of 12 must be accompanied by an adult attendant who is at least 18 years old.

#### **SECTION 642.13 (F) RESIDENT PROHIBITION BY NOTICE**

(1) Notwithstanding any other provision of this Ordinance, no peddler, solicitor, or canvasser, while peddling, soliciting or canvassing, shall call upon, knock at the door or ring the door bell of any residence, house, apartment or other dwelling in the Ordinance upon which there is posted at the entrance a notice which reads "No Peddlers, Solicitors or Canvassers Allowed", or words of similar import, which clearly prohibit peddlers, solicitors and canvassers on the premises, unless such peddler, solicitor or canvasser has previously been

invited upon the premises by the owner, lessee or an adult occupant thereof.

(2) Any Village Resident on the "Do Not Solicit" list. A copy of said list will be kept on file at the Village business office.

**SECTION 642.13 (G) PENALTIES**

(1) Whoever violates any provision of this Ordinance shall be guilty of a minor misdemeanor on the first offense and shall be guilty of a fourth degree misdemeanor for the second or subsequent offenses.

**SECTION 642.13 (H) SEPARABILITY**

(1) That if any provision of this ordinance shall be declared invalid or void, all other provisions of this ordinance shall remain in full force and effect. Failure to follow a specific section shall not preclude enforcement under another section.

**SECTION 9.** That this Ordinance shall be and is hereby declared to be an emergency measure necessary to preserve the health, welfare, and safety of the citizens of the Village of West Lafayette, Ohio, and shall take effect immediately upon passage by Council, and posting by the Fiscal Officer.

PASSED IN COUNCIL THIS 28<sup>th</sup> day of June 2010

Jack L. Patterson  
Jack L. Patterson, Mayor  
First Reading 6-14-2010  
Date

Second Reading \_\_\_\_\_  
Date

Third Reading \_\_\_\_\_  
Date

ATTEST:

Lisa M. Stiteler  
Lisa Stiteler, Fiscal Officer

APPROVED AS TO FORM:

William M. Owens  
William M. Owens, Solicitor for the Village  
of West Lafayette, Ohio

**CERTIFICATE OF POSTING**

The foregoing Ordinance was posted according to law this 28<sup>th</sup> day of June, 2010

Lisa M. Stiteler  
Fiscal Officer